

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CHARLENE MARTINEZ,
individually and on behalf of
all others similarly situated,

Plaintiff,

v.

TD BANK USA, N.A., a National
Bank, and TARGET CORPORATION,
a Minnesota corporation

Defendants.

HONORABLE JEROME B. SIMANDLE

Civil Action
No. 15-7712(JBS/AMD)

ORDER

This matter having come before the Court upon
Defendants' motion to dismiss [Docket Item 39]; the Court
having considered the submissions of the parties; for the
reasons explained in the Opinion of today's date; and for
good cause shown;

IT IS this 20th day of December, 2016, hereby

ORDERED that Defendants' Motion to Dismiss Count II is
denied; and it is further

ORDERED that Defendant's Motion to Dismiss Count III is
granted without prejudice to Plaintiff's right to promptly seek
leave to file a Second Amended Complaint curing the noted
deficiencies in Count III; and it is further

ORDERED that Plaintiff shall have thirty (30) days to file any motion for leave to file a Second Amended Complaint from the entry of this Order; and it is further

ORDERED that Defendants shall receive an extension to file their answer to Plaintiff's complaint, to a date fourteen (14) days from the filing of any Second Amended Complaint as above, or to a date forty-four (44) days from the entry of this order if Plaintiff elects not to file such second amended complaint, in which case Defendants shall answer the First Amended Complaint.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Judge